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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,043	08/21/2001	Shigeaki Namba	ASA-1021	5713

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EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/933,043

Applicant(s)

NAMBA, SHIGEAKI

Examiner

Igor Borissov

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*MW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1.** The term “each power load demander” lacks antecedent basis; the term “unit price of charge” is confusing, because it is not clear does it relate to a whole “contract period” or only part of it; the term “each desired one of said periods” lacks antecedent basis; the terms “pattern”, “load pattern” and “load pattern set” appear to be used to indicate same feature, which is confusing.

**Claim 2.** Grammar used in a poor form; the phrase “said load pattern modified and set” lacks antecedent basis.

**Claim 3.** Grammar used in a poor form; the use of term “modified” throughout the claim is confusing; the term “a charge (assumed)” is confusing; the term “a direct contract” is confusing.

**Claim 5.** The claim appears to be not finished.

**Claim 6.** Grammar used in a poor form.

**Claim 7.** The term “said spot pattern” lacks antecedent basis.

**Claim 8.** The term “said load pattern contract” lacks antecedent basis.

**Claim 9.** The term “displaying margin viewed from total power generating capacity” is confusing.

**Claim 10.** The terms “joins hands” and “a collective charging operation” is confusing. Also, the claim appears to be not finished.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 6-7 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiss (US 6,681,156).**

Weiss teaches a method and system for planning energy supply and interface to an energy management system, comprising:

**Claim 1.** Interconnecting over the Internet an energy supplier system with energy consuming system for negotiating an energy supply specification (column 3, lines 54-64); presenting, from said enterprise, during contract negotiation, information on energy related variables including pricing data of energy services over a certain time period (column 12, lines 21-45); receiving, by said enterprise, a load pattern set by said demander for each desired one of said periods according to the Information (column 14, lines 56-61); presenting and determining by said enterprise, information of charge for said load pattern to said demander (column 15, lines 50-55).

**Claim 2.** Presenting a load pattern history, presenting current demand, and presenting information of charge for said load pattern modified and set to said demander (column 18, lines 50-63; column 19, lines 17-20).

**Claim 3.** Tailoring, by said enterprise, energy-related information, including load pattern, delivery and price to be set at according to the pattern modified as above, and supplying, to said demander, said tailored energy-related information (column 19, lines 17-20).

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**Claim 4.** Presenting said energy-related information by the demander to said enterprise prior contract date (column 12, lines 21-45).

**Claim 6.** Presenting, from said enterprise to said demander, a setting period and a unit price of charge for a fixed period in future in which power generating facilities under control of said enterprise have capacity margin in power generation and supply capacities (column 18, lines 50-63).

**Claim 7.** Receiving, by said enterprise, a combination pattern, said combination pattern being produced by said demander by combining said load pattern set and determine a certain percentage of deviation (an overload and an underload) without violating contract issues (column 18, lines 25-30, 53-57).

**Claim 9.** See **claim 2**.

**Claim 10.** Negotiating a power supply to one or more of energy consumers (column 8, lines 29-30).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Roos (US 5,699,276).**

**Claim 5.** Weiss teaches all the limitations of **claim 5**, except that said enterprise of distributed power supply delivers charge calculation software to a power demander.

Roos teaches a utility meter interface method and system, wherein a utility company provides a user (power demander) with software for a personal computer over a network (column 7, lines 33-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include that said enterprise of distributed power supply delivers charge calculation software to a power demander, because it would freed the customer from going to a store to purchase said software, thereby improving customer service.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Kelley et al. (US 6,088,659).**

**Claim 8.** Weiss teaches all the limitations of **claim 8**, including that energy-related information is exchanged in a secure network environment (column 2, lines 21-24), except specifically teaching that said secure environment includes authentication of said demander.

Kelly et al. teach a method and system for planning energy supply, wherein a Security Service is employed for authenticating the identities of users (column 14, lines 39-43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include authenticating the identities of users, because it would enhance the security of the system.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Keturakis et al. (US 5,057,767).**

**Claim 11.** Weiss teaches all the limitations of **claim 11**, except for optically and externally detecting contents of display of the energy meter.

Keturakis et al. teach a method and system for an optical communication link assembly for an energy meter, which is used to obtain energy meter reading optically and externally (column 2, lines 3-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include obtain energy meter reading optically

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and externally, because it would allow to keep the existing equipment thereby save funds.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

**JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**